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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,801	09/25/2003	Masahiro Terada	FJ-2003-018-US	8163

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
NEGRON, WANDA M	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/669,801	**Applicant(s)** TERADA, MASAHIRO	
	Examiner Wanda M. Negrón	**Art Unit** 2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Not ice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for replyexpires *4* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is lateo. In r event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final actio n, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

TUAN HO
PRIMARY EXAMINER

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues on pages 12 and 13 that the "style information" of Kel lock is not necessarily stored in a memory device. The Examiner respectfully disagrees. Kellock discloses in paragraph [0044] that the "style information" is "data or logic used by the system to control or influence aspects of the automatic construction process". Since the construction process is computer-based (see paragraph [0013]), it clearly follows that the "style information" has to be stored in a memory device in order for it to be processed by the computer's processor. Those ordinarily skilled artisans in the relevant art will recognize that, even assuming, arguendo, that the "style information" is being generated in real time by the user, which is not, since one of the goals of the invention is to produce edited material without any user intervention (see paragraph [0010]), a buffer memory is conventionally used to temporarily store data in order to compensate for differences in data rate and data flow.

Applicant argues on pages 13 and 14 that Kellock does not teach or reasonably s uggest comparing image related info about first and second images or reading a video effect from a recording device according to matching image related information as a result of the comparison. The Examiner respectfully disagrees. Kellock, in paragraph [0106], discloses an example where images, i.e. first and second images, are concatenated using slow dissolves, i.e. a video effect, on the basis of the images brightness, i.e. a comparison of whether or not both images comply with a low brightness conditi on, which is considered image related information. In addition, as discussed above, the construction process is computer-based, which would require to process data permanently or temporarily stored on a memory device, e.g. data or logic for selecting and reproducing a video effect, in order to concatenate images.

Applicant also argues on page 14 that Kellock fails to teach an image joining device which "reads the first and second images in the recorded device, and automatically joins the images by applyi ng the video effect read by the video effect selection device to a portion in which the images are to be joined in time". The Examiner respectfully disagrees. Kellock discloses that, in order to automatically create an output production (see paragraph [0090]), the constructor first determines "upon the style information and the nature of the input" (see paragraph [0092]), "which processes to apply and where to apply them", while the renderer "performs the actual processing (see paragraph [0090]). Therefore, in the example disclosed in paragraph [0106], the co nstructor would determine which style to apply in order to edit low brightness images, while the renderer perfoms the actual editing, i.e. joins at least two images with low brightness characteristics using a slow dissolve video effect.

Regarding Applicant's argument that "the "style information" in Kellock has nothing to do with the video effect in the claimed invention", the Examiner maintains that Kellock discloses that the "style information" includes the "transformation parameters", e .g. flash effects, animation of graphic elements, text, etc., and the "combination parameters", e.g. cuts, dissolves, wipes, etc. (see paragraphs [0100] and [0101]), which comprise well-known video effects.

Applicant's traversal of the Offic ial notice statements set forth on pages 15 and 16 of Applicant's response is acknowledged. In response, the Examiner submits that, should Applicant file for an appeal, paragraphs [0016], [0052] and figure 17 of Itoh et al. (US Application Publication No. 2001/0016108) and figure 6 in Misawa et al. (US Application Publication No. 2002/0118285 A1) would be presented as evidence of what is well-known in the art.

For the reasons discussed above, the position of record has been maintained.